

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:10-cv-00189-ODS
)	
PREFERRED CREDIT CORPORATION, et al.,)	
)	
Defendants.)	

MOTION TO WITHDRAW AS COUNSEL AND SUGGESTIONS IN SUPPORT

COMES NOW the law firm of Spencer, Fane, Britt & Browne LLP (“Spencer Fane”), by and through Leslie A. Greathouse and Barry L. Pickens, partners in Spencer Fane, on behalf of themselves and all other lawyers in the firm who have appeared in this matter, and hereby move this Court for its Order permitting them to withdraw from further representation of certain parties in this cause. Counsel states the following supporting suggestions:

1. Attorneys from Spencer Face have entered their appearance in this matter at various times for the following defendants: Deutsche Bank National Trust Company, IMH Assets Corp, IMPAC Funding Corporation, IMPAC Mortgage Holdings, Inc., IMPAC Secured Assets Corp., LaSalle National Bank, Wells Fargo Bank N.A., Litton Loan Servicing LP, IMPAC Mortgage Holdings Asset Corporation, IMPAC Real Estate Asset Trust Series 2006-SDI, Wingspan Porfolio Advisors, LLC, IMPAC CMB Trust Series 1999-1, IMPAC CMB Trust Series 1999-2, IMPAC CMB Trust Series 2000-2, IMPAC CMB Trust Series 2001-4, IMPAC

CMB Trust Series 2002-1, IMPAC CMB Trust Series 2003-5, IMPAC Secured Assets CMN Trust Series 1998-1 (“Conflicted Clients”).¹

2. A concurrent conflict of interest now exists between the Conflicted Clients such that certain of the Conflicted Clients are directly adverse to each other. Pursuant to Missouri Supreme Court Rule 4-1.7 it is our opinion that this conflict cannot be waived. As such, Spencer Fane must withdraw as counsel for these clients.

3. Each of these clients is currently represented by national counsel who are currently appearing in this action via pro hac vice admissions. Spencer Fane is informed and believes that such national counsel is currently seeking new local counsel to act with them in this case.

WHEREFORE, for the foregoing reasons, Spencer Fane moves this Court for its Order permitting all of its attorneys to withdraw from further representation of the Conflicted Clients in this cause, and for other such relief as the Court deems appropriate in the circumstances.

By: /s/ Leslie A. Greathouse
Leslie A. Greathouse MO #48431
SPENCER FANE BRITT & BROWNE LLP
1000 Walnut Street, Suite 1400
Kansas City, MO 64106
lgreathouse@spencerfane.com
(816) 474-8100 (Telephone)
(816) 474-3216 (Facsimile)

and

¹ Spencer Fane also appeared for Deutsche Bank Trust Company Americas (“DBTCA”), Preferred Mortgage Trust 1996-1, Preferred Mortgage Trust 1996-2, Preferred Credit Trust 1997-1 (“the Preferred Trusts”) and Real Time Resolutions, Inc. (“Real Time”). DBTCA and the Preferred Trusts have already settled this case and—other than continuing obligations in relation to that settlement—have completed their involvement in this action. Real Time’s involvement in this case is the subject of the pending U.S. Bank settlement. Further, DBTCA, the Preferred Trusts and Real Time are not impacted by the conflict mentioned in this motion to withdraw and therefore, no withdrawal is necessary as to these parties.

By: /s/ Barry L. Pickens
BARRY L. PICKENS MO #43379
SPENCER FANE BRITT & BROWNE
1000 Walnut Street, Suite 1400
Kansas City, Missouri 64106-2140
(816) 474-8100
(816) 474-3216 (FAX)
bpickens@spencerfane.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 29th day of October 2012, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants. In addition, a copy was served by U.S. mail, First-Class Postage Prepaid, to:

Arthur E. Kechijian, Manager
United Mortgage C.B., LLC
P.O. Box 471827
Charlotte, NC 28247
Defendant United Mortgage C.B., L.L.C.

/s/ Leslie A. Greathouse